

THE

House of Assembly Debates

(OFFICIAL REPORT).

SESSION 1947—48

HOUSE OF ASSEMBLY

Thursday, 8th July, 1948.

Pursuant to adjournment, the House of Assembly met at 12.30 o'clock to-day.

Present:

His Honour Mr. G. B. EVELYN (*Speaker*), Dr. H. G. CUMMINS, Messrs. L. E. SMITH (*Chairman of Committees*), R. G. MAPP, K. N. R. HUSBANDS, F. L. WALCOTT, M. E. COX, D. A. FOSTER, C. E. TALMA, G. H. ADAMS, B.A., H. D. BLACKMAN, E. D. MOTTLEY, J. A. HAYNES, B.A., and V. C. GALE.

Prayers are read.

MINUTES.

The Minutes of the meetings which were held on the 29th June, 1948, and the 1st July, 1948, respectively having been circulated are taken as read and confirmed.

APPOINTMENT OF AUDITOR OF THE SUGAR INDUSTRY AGRICULTURAL BANK.

Mr. ADAMS: Mr. Speaker,—Before the business of the day is entered upon I should like to say that I have been reminded that we should have appointed, as from the end of June this year, the Auditor of the Sugar Industry Agricultural Bank. The Auditor of this Bank is to be appointed annually as soon as possible after the beginning of its financial year, that is, as soon as possible after the 30th June. I, therefore, beg to move that Mr. C. K. Pile be appointed Auditor of the Sugar Industry Agricultural Bank as from the 30th June, 1948.

Mr. TALMA: I beg to second that.

Mr. LEWIS enters the House and takes his seat.

The question that Mr. C. K. Pile be appointed Auditor of the Sugar Industry Agricultural Bank as from the 30th June, 1948, is put and resolved in the affirmative without division.

PUBLIC HEALTH BILL.

Mr. SPEAKER: The first Order of the Day is to resume Committee on the Bill to consolidate and amend the Acts of this Island relating to Public Health.

Mr. SPEAKER leaves the Chair and the House resumes Committee on the Bill, Mr. SMITH being in the Chair.

The CHAIRMAN: When the House was last in Committee on this Bill, Clause 155, renumbered 153, was agreed to.

Dr. CUMMINS: I beg to move that Clause 156, renumbered 154, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: This clause would take some amendment. It provides for the inspection of food, liquid or otherwise, which is sold or is exposed for sale in shops or any other place and according to sub-clause 3 of this clause, if an inspector finds a diseased animal or any article that is unsound or unwholesome or unfit for the food of man, he may seize it but if he is not a medical practitioner or veterinary surgeon, he would not have the power to order the destruction of any such article or animal. You can well see the danger that can result to the consuming public where pickled meat or canned meat or other stuff has been condemned by an inspector who is not a medical practitioner or veterinary surgeon. I am suggesting the inclusion of a provision giving a qualified person, other than a medical practitioner or veterinary surgeon, the right to order the destruction of any article of food or any animal that he may seize as unfit for the food of man. To-day, we are actually having sanitary inspectors trained in the inspection of food, so as to be able to relieve highly qualified men from doing this work, and if these inspectors are qualified they should have the power to order the destruction of any unsound or unwholesome food which they may happen to seize. Again, the Public Health Act as it stands in Barbados to-day, provides for a fine not exceeding 40/- for every such unsound or unwholesome article that is sold or found exposed for sale, but in sub-clause 5 of this same clause, the fine has

been fixed at a sum not exceeding £50. There have been cases in which unscrupulous inspectors have elected to sue for every piece of unsound food, salt fish for instance, that has been found exposed for sale and you can well imagine what will happen in cases like those if the person who exposed the unsound pieces of food for sale is convicted and the penalty is a fine not exceeding £50 for each piece of unsound food. I do not think that that £50 should be allowed to remain in this clause. Further, no provision has been made in the clause to the effect that the person could only be convicted if it is found that he has the articles or food and that at the time when he has them exposed for sale, it is within his knowledge that they are unfit for human consumption. A man may take goods from Bridgetown to his place of business in a country district; at the time when those goods are delivered to him it is within his knowledge that they are perfectly sound but after the long drive to his place they may have become unsound without his knowledge and it would be rather hard on him if he were subjected to a conviction on the ground that it was within his knowledge that those goods were unsound if they were found exposed for sale a short time after. In sub-clause 6, provision is made for the protection of the wholesaler who sells or exposes for sale an unsound article or diseased animal not knowing and having no reason to believe that at the time he sold the said article or diseased animal it was in such a condition but no such provision is made for the protection of the retailer and I am saying that a sub-clause similar to sub-clause 6 should be inserted, making a similar provision for the protection of the retailer. Again, sub-clause 8 cannot be passed as it is because if you will refer to the definition clause you will see what the definition of "Sanitary Authority" is. A Sanitary Authority does not inspect shops nor do its members go around inspecting, although they have the right to do so. The Director will have the right to inspect in a case where he suspects anything and I am suggesting that there should be provision in the Bill passing on the right of inspection which the Sanitary Authority has to the Inspector. In keeping with the points which I have made I beg to move that after the word "surgeon" in line 9 of sub-clause 3 of clause 156, renumbered 154, the words "or a person possessing a Certificate of the Royal Sanitary Institute denoting his competency for the inspection of meat" be inserted;—a man possessing an R.S.I. Certificate need not be a Meat Inspector; a separate Certificate is given for qualification in Meat Inspection — also that the word "fifty" in line 10 of sub-clause 5 be deleted and the word "five" substituted therefor; that the words "unless he proves that at the time he sold the said article or live animal or dead animal or part thereof he did not know and had no reason to believe that it was in such a condition." be added to sub-clause 5; and that sub-clause 8 be amended to read as follows:—"In this section 'Inspector' means a Sanitary Authority or the Director or a Health Officer or any person or persons authorized by them or either of them."

Messrs. WILKINSON, S. A. WALCOTT and SYMONDS entered the House while Mr. Mottley was speaking and took their seats.

Dr. CUMMINS: I am accepting all the amendments with the exception of the one which proposes to substitute a fine not exceeding £5 for the

fine not exceeding £50. The £50 is not a fixed amount and a magistrate has discretionary powers; he may impose a fine of a farthing or of £50.

Mr. MOTTLEY: Surely it must be evident to honourable members that if the fine is fixed in the amount not exceeding £50, a magistrate may view the offence so seriously that on conviction for the first offence he might impose a fine of £50; that would not be fair to a man who had some sardines, for instance, that went bad. The law as it stands today fixes the maximum fine as not exceeding 40/-. You must bear in mind whom this will affect as well as the fact that these are offences which persons do not wilfully commit.

Mr. ADAMS: About ten years ago I appeared on behalf of a very respectable and respected merchant in this town who, I think, was more sinned against than he sinned—I think he was the victim of politics—and who was prosecuted for having exposed for sale in his shops in St. Lucy bits of salt fish that were unfit for human consumption. The Magistrate realizing how many bits of unsound salt fish he had exposed for sale did not fine him more than half-a-crown for each piece. I suggest that we either let the £50 remain and leave it to the discretion of the Magistrate or delete the words "fifty pounds" and insert "five pounds for a first offence or to a fine not exceeding twenty pounds for a second offence or to a fine not exceeding fifty pounds for a third offence or subsequent offence or to such fine and imprisonment not exceeding one month, three months or six months respectively." My experience, as far as prosecutions of this nature are concerned, is that in the last ten or fifteen years no Magistrate has ever imposed any terrific fine for the first offence or abused the provisions of the Act.

Mr. MAPP: I would prefer the latter suggestion of the senior member for St. Joseph rather than leaving it at a fine not exceeding £50. If at present the fine is not exceeding £2, it would appear strange to a Magistrate that the Legislature suddenly jumped it to £50 and he may impose a more severe fine than formerly. It does not appear strange to find him imposing a fine of half-a-crown because the maximum fine is £2 but finding that the Legislature has suddenly jumped it to £50 he may impose a heavier fine. On the other hand a merchant who should know better may commit an offence of this nature after he has been warned and the Magistrate should be able to fine him more than £5. I do not agree with £5. It may happen that a man who should know better and who is warned that an article is unfit for human consumption may yet sell it, and I think that in such a case he should be fined £30 or £40.

Mr. ADAMS: It is very easy to say that under the present Act the fine is £2 while we are saying that in this Bill it should be £50. Suppose a veterinary surgeon condemns a carcass and the owner still sells it. Is he to be liable to the same fine as a man who is selling salt fish with a few maggots in it? I suggest that the £50 should remain and leave it to the discretion of the Magistrate to impose half-a-crown or £50.

Mr. MOTTLEY: Sub-clause 3 states that if any article or live animal or dead animal or part thereof appears to an inspector to be diseased or unsound or unwholesome or unfit for the food of man, he may seize and carry away the same. How on earth can the owner sell that condemned carcass if it is seized and carried away? A man would not go out of his way to buy a cow that has tuberculosis. It is not a case of a man walking about looking for unsound food to sell. My point is that if the Legislature fixes the fine at £50, it is obvious that a Magistrate would take the view that they regard the offence as serious

and would impose a fine far in excess of half-a-crown for the first offence. For the past eight years I have been reading the reports of inspectors who inspect shops in St. Michael's parish and in very rare cases prosecutions are brought whenever an inspector goes and finds unsound goods for sale or exposed for sale; they are thrown away or destroyed and the shopkeeper loses. What businessman is going out of his way to buy goods that are unfit for human consumption?

Mr. ADAMS: Mr. Chairman,—The honourable member moved an amendment to the effect that the small shopkeeper should be able to set up the same defence as the big wholesaler, that is, that at the time he sold the article he did not know and had no reason to believe that it was unsound; therefore, if he is convicted he will have known that he sold an article which was unsound; he cannot be convicted if he did not know. That merchant in Roebuck Street to whom I referred a few moments ago was convicted several times for having unsound salt fish exposed for sale in his country shops whereas he never dreamt of selling unsound salt fish in any of his shops. If a man proves that at the time he sold the article he did not know and had no reason to believe that it was unsound, he cannot be convicted; if he is convicted, then it is a case of a man who has wilfully sold something that was likely to give persons ptomaine poisoning. There should be a distinction between the fines for the first offence, the second offence and the third or subsequent offence respectively. I beg to move that the words "fifty pounds" in line 10 be deleted and the following words inserted therefor:—"five pounds for a first offence or to a fine not exceeding twenty pounds for a second offence or to a fine not exceeding fifty pounds for a third offence or subsequent offence or to such fine and imprisonment not exceeding one month, three months or six months respectively." I would just like to say that although there is a general vulgar saying about not fining and confining, yet it exists in British law and there may be some cases in which it is necessary to do both. I recall a case in Demerara in which an Indian merchant was fined \$500 and imprisoned for an offence and it may be necessary to do both here but in my experience I do not know an instance in which any Magistrate in Barbados has done both.

Mr. F. L. WALCOTT: I want to draw attention to sub-clause 4 of this clause which provides that a person whose article or animal is destroyed shall pay the expenses incurred in destroying that article or animal. If it is the duty of the Sanitary Authority to destroy these things I take it that the expenses should be defrayed by them. The man whose article or animal has been destroyed has suffered a loss and you are providing that he should sustain a further loss by having to pay the expenses incurred in destroying the article or animal. I do not think that those expenses will be too much for the Sanitary Authority to pay, and I, therefore, beg to move the deletion of the words beginning from the indefinite article "a" in line 5 of sub-clause 4 to the end of the sub-clause and the insertion of the words "defrayed by the Sanitary Authority or the Director as the case may be" therefor. The duty of the Public Health Authorities is to see that the country is kept free from all these nuisances and it should also be their duty to pay for the destruction of these things. If the Sanitary Authority decides that the article or animal should not be used for human consumption and should be thrown away, why should the owner be required to pay the expenses incurred in throwing it away? I feel that that duty should not be placed on the owner because he is not benefiting anything when his article or animal is destroyed. What jus-

tification is there for asking a man to pay the expenses incurred if the Sanitary Authority says that the article or animal must be destroyed? Even the S. P. C. A. are now saying that they would defray the expenses, if they destroyed animals belonging to other people.

Dr. CUMMINS: I should like to remind the honourable member that unsound articles or animals are ordered by a Sanitary Authority to be destroyed only when they are offered for sale. I would also like to point out that the sub-clause says "may be recovered" and the senior member for the City who has experience in these matters has informed me that it is not within his knowledge that any person has been made to pay expenses incurred in destroying any article or animal.

Mr. F. L. WALCOTT: Yet you are putting it in the Act that a person should be asked to pay such expenses.

Mr. ADAMS: I really do not think that the senior member for St. Peter has given sufficient consideration to sub-clause 4. Suppose a man's cow dies, does he go to the Sanitary Board and ask them to bury it or does he not bury it himself? If a man is found actually selling or having exposed for sale food which is unfit for human consumption, the Sanitary Authority, in order to prevent people from being poisoned, seizes and destroys it and calls upon him to pay the expenses. What grievance can there be over that? Mind you, he is not going to be convicted if he does not know that at the time he sold or exposed for sale the unsound food it was unsound. This is not a law intended for innocent people or to work a hardship on innocent people but to hit the guilty.

Mr. MOTTLEY: Sub-clause (1) of this clause says that an inspector may, at all reasonable times, enter any premises and inspect and examine, and may in any street or other public place inspect and examine (a) any article, whether solid or liquid, intended for the food of man and sold or exposed for sale or deposited in any place, or in the course of transmission for the purpose of sale or of preparation for sale; or (b) any live animal or dead animal or part thereof intended for the food of man which is sold or exposed for sale, or deposited in any place, or is in the course of transmission for the purpose of sale or of preparation for sale." That is as it should be and I would never like to see that sub-clause amended. I go further and say this for the benefit of the senior member for St. Peter. All animals are not slaughtered in the Public Market. A butcher kills a pig but does not know anything about the tapeworm. An inspector comes along and discovers that the pig whose carcass he inspects has tapeworm. Do you think that the inspector should move away and leave the carcass hung where it is or should he give the owner instructions to have it buried right away? He sees the possible danger if the carcass goes into consumption and so he has it buried as soon after the inspection as possible. Obviously the expenses must be collected from the owner. I can assure the honourable member that this would never have escaped my attention if I thought it would create any hardship. I cannot agree with the senior member for St. Peter and this clause should remain as it is.

Mr. LEWIS: I would like to point out, in regard to the amendment by the senior member for St. Joseph in respect of the fines and alternative periods of imprisonment, that a former Crown Law officer has stated in this House that you cannot include in a penalty a fine and imprisonment unless the approval for so doing is first ob-

tained from the Secretary of State for the Colonies. That has been stated in this House since I have become a member of it. It is true that at another time a Bill came before this House with such a penalty in it and when I enquired whether the sanction of the Secretary of State was obtained, nobody seemed to know.

Mr. ADAMS: I do not know if the honourable member is right or not but it does not matter; as far as my amendment is concerned because under the Police Magistrates Act, if you are fined and do not pay the fine, the Act says how long a term of imprisonment you should undergo as an alternative for not paying the fine. Whether my amendment is put in or not, a person will still go to prison if he does not pay the fine. It is purely discretionary if a man is fined £50 under the Police Magistrates Act and does not pay the fine, he is liable to be imprisoned for twelve months as the alternative but I have tried to modify it. A magistrate may say, "Even if you pay the fine of £50 you must still go to prison for one month." A rich man may pay the fine and still go on to commit the offence; so he should be liable in such a case to fine and imprisonment.

Mr. LEWIS: If the Act provides for a fine and imprisonment, the Magistrate has no discretion; he has to impose both.

Mr. ADAMS: My amendment reads "or to such fine and imprisonment."

Mr. S. A. WALCOTT: As I understand the amendment, a Magistrate can impose both.

Mr. ADAMS: I beg to move an amendment to my amendment to sub-clause 5, that is, that the words "or to such fine and imprisonment" be deleted.

Dr. CUMMINS: I accept that further amendment.

Clause 156, renumbered 154, as amended, is read at the request of Mr. S. A. Walcott.

The question that Clause 156, renumbered 154, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Dr. CUMMINS: I beg to move that Clause 157, renumbered 155, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. S. A. WALCOTT: It would be much better if the Central Authority provided the baths. I can say that the Sanitary Authorities will not be able to provide them.

The question that Clause 157, renumbered 155, stand part of the Bill is put and resolved in the affirmative without division.

Dr. CUMMINS: I beg to move that Clause 158, renumbered 156, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. F. L. WALCOTT: Why should the notice stating their intention to consider a proposed table of charges and naming a place where a copy of the proposed table may be inspected at all reasonable hours by any person free of charge be published only in one local newspaper? I beg to move that the indefinite article "a" appearing before the word "local" in line 3 of sub-clause 2 of this Clause be deleted and that the letter "s" be added to the word "newspaper" in the same line of the same sub-clause.

Dr. CUMMINS: I accept those amendments.

The question that Clause 158, renumbered 156, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Clauses 159 to 163, renumbered 157 to 161, inclusive are agreed to.

Mr. BRANCKER enters the House and takes his seat.

Clauses 164 to 167, renumbered 162 to 165, inclusive are agreed to.

Dr. CUMMINS: I beg to move that Clause 168, renumbered 166, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: At first blush I do not agree to the use of the word "keeper" in sub-clause 4 of this Clause because a "keeper" may not even be a tenant and what security is there for the conversion of a ramshackle building which is kept as a common lodging-house by a Sanitary Authority? It may be all right if the keeper is the owner of the common lodging-house but if he is only a tenant, how can he go in for all these repairs? I am going to suggest that as far as the interest to be charged is concerned it should be at a rate not exceeding 5 per cent. However, I am not inclined to move the deletion of the word "keeper" because in some cases the keeper may be the owner of the particular building. If the property is real estate then it would be proper security for the money spent by the Sanitary Authority to put it in good repair but if it is a chattel, it is practically no security. How can a Sanitary Authority put a chattel which a man may be renting into a state of good repair and let the expenses be a charge on the parish?

Mr. ADAMS: The keeper of a lodging-house is the keeper of a business and the owner of a barrack is the owner of a building. A lodging-house is a place to which people can go to sleep for short periods. It is not done as extensively here as it is done in England. I have not had the experience but I know some who have had occasion to go to lodging houses and pay a penny each to be allowed to sleep for short periods. They are what are known as the liners; they rest their heads on a line and next morning the keeper comes along, lets down the line at one end and everybody wakes up (Laughter). We have not yet come to that in Barbados. I repeat that a common lodging-house is a business and, therefore, if a man is keeping a business he should provide sanitary conveniences. There is no real distinction in this Bill between the owner of a barrack and the keeper of a lodging house who may not own the building but is running the business as far as the providing of sanitary conveniences is concerned.

At this stage, 2 p.m., Mr. SPEAKER resumes the Chair and adjourns the House until 2.45 p.m. in accordance with Rule 40 (a).

SUSPENSION OF RULES 61 (A) AND 61 (B).

On re-assembling,

Mr. ADAMS: Mr. Speaker,—I ask leave to move the suspension of Rules 61 (a) and 61 (b) so as to continue Government Business.

There being no objection, the honourable member was granted leave to make the motion.

Mr. ADAMS: I beg to move that Rules 61 (a) and 61 (b) be now suspended.

Mr. TALMA seconded the motion which was agreed to.

Mr. SPEAKER: On the adjournment for lunch the House was in Committee on the Bill to consolidate and amend the Acts of this island relating to Public Health.

THE PUBLIC HEALTH BILL.

Mr. SPEAKER left the Chair and the House resumed Committee on the Bill, Mr. SMITH being in the Chair.

Mr. CHAIRMAN: When the House was last in Committee on this Bill we were discussing Clause 168 re-numbered 166.

Mr. MOTTLEY: I beg to move the following amendments; that in Sub-clause (4) line 3 after the words "lodging house" the words "who is the owner thereof" be inserted; after the word "or" that the word "by" be inserted and in line 10 after the word "at" the words "a rate not exceeding" be inserted.

Dr. CUMMINS: I accept those amendments.

Mr. S. A. WALCOTT: As regards Sub-clause (1) the Sanitary Authority may be unreasonable and they may ask a person to install any number of toilets, because Clause 165 sets out the various bye-laws which the Sanitary Authority can make. I think that some Clause should be inserted whereby the owner of a lodging-house or a barrack can appeal against what the Sanitary Authority may require. As regards Sub-clause (2) I do not think that we can give the Sanitary Authority power to spend a person's money as they please. Under this Sub-clause they can call upon a person to do anything and he has no right of appeal. (Mr. MOTTLEY: Look at Clause 195). Well, we should insert in this Clause the words "Subject to the provisions of Clause 195 of this Act."

The question that Clause 168 re-numbered 166 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 169 re-numbered 167 was passed.

Clause 170 re-numbered 168:—

168. (1) No person shall take any steps to establish a barrack, or to convert any premises into a barrack, or to reconstruct or rebuild any existing barrack, except with the consent of the Sanitary Authority, which consent shall only be granted on the conditions following, that is to say,—

- (a) that each room shall be sufficiently ventilated directly to the outside air on at least two sides, and that sufficient provision shall be made for the access of light thereto;
- (b) that no room shall ventilate into another;
- (c) that the roofs of all rooms shall be close boarded and ventilated, and that every room shall be rat proof;
- (d) that the whole or such part of any yard as the Sanitary Authority may direct shall be paved to the satisfaction of the Sanitary Authority;
- (e) that the privy accommodation and the provision for the collection of refuse shall be such as may be required in each case by the Sanitary Authority.

(2) For the purposes of this section, each of the following operations, namely,—

- (a) the re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within five feet of the ground floor,
- (b) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only, and
- (c) the roofing or covering over of an open space between walls or buildings,

shall be deemed to be the reconstruction or rebuilding of a barrack.

(3) Any person taking any steps to establish a barrack or to convert any premises into a barrack or to reconstruct or rebuild any existing barrack, except with the consent of the Sanitary Authority, shall be liable to a fine not exceeding fifty pounds.

Dr. CUMMINS: I beg to move that Clause 170 re-numbered 168 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: Sub-clause (1) (a) of this Clause says that the Sanitary Authority shall give consent to the establishment of a barrack or the conversion of any premises into a barrack or to the reconstruction or rebuilding of any existing barrack only on condition that each room shall be sufficiently ventilated directly to the outside air on at least two sides, but is that practicable under local conditions? The carrying out of this condition will entail a lot of demolition. I would not like honourable members to pass this Clause as it is and then have to come back and amend it. Under local conditions we cannot very well get ventilation on two sides of a building; this will create great difficulty even with some homes. I beg to move that the words "on at least two sides" occurring in lines 2 and 3 of paragraph (a) be deleted. Last night I visited a place like the Salvation Army's Hall to see how this provision will work. It will only mean that six months after this Act is proclaimed law all other Regulations will cease to operate and many of these places might have to be closed down.

Mr. F. L. WALCOTT: I beg to second that. Some Government buildings will have to be pulled down if you want this Clause to apply. There are some people who live in houses of the type where there is a shedroof, there are two rooms and a partition, may be, and the ventilation from one window cannot get to the other. The only other window would be one which is directed towards the kitchen. If we pass this Clause as it is, many a house will have to be closed down and where will we find accommodation for the people?

Mr. GALE: This Regulation applies to barracks and I would ask the honourable member in charge of the Bill to delete the words "on at least two sides" occurring in paragraph (a) of Sub-clause (1). The Sanitary Authority have to inspect a place in order to see whether it can be used as a barrack or not, and they ought to be able to determine whether the place can be used for the purpose or not. They ought to be able to say to a person: "You have sufficient air in this place that it can be used as a barrack." Suppose a building has ventilation on the east side and not on the west; in that case you will not be able to use it for this purpose. I think that it should be left to the Sanitary Authority to decide whether a building can be used as a barrack or not.

Mr. ADAMS: I was inclined to agree with the honourable senior member for the City but if honourable members read the Clause following they will see that no hardship can be done. Sub-clause (1) of the Clause with which we are dealing says that nobody shall make money out of a barrack unless he has it properly ventilated; and it is impossible to get proper ventilation through one side of a building. You might get ventilation coming in from one side but you want cool air coming in and expelling the hot air. It seems to me that if we are establishing a standard for the future of public health in Barbados we should establish this standard and see that we have in respect of ventilation what ventilation really means. The Clause following refers to existing barracks and it is only if they are unfit for human habitation or incapable of being put in proper condition or made rat proof that the Sanitary Authority will close them down. This Clause applies only to barracks and I suggest that we leave it as it is because we do not want people to put others who are poor in cow stalls and make money out of these buildings. A room in the middle of a house can have ventilation from two

doors; if you have a place like "Haro Court" or some of the big plantation houses in which there are inner rooms there is still some system of ventilation. Where the word "barrack" is used, that connotes habitation for the lowest of the low, and where you are making barracks, which are synonymous with cattle pens, and renting them out you should at least make them fit for human habitation. If anybody at the present moment wants to build a barrack, you are not doing him any wrong by telling him that he cannot build it unless he can make it fit for human habitation and rat proof. As far as our local conditions are concerned, there are but few people who would be injured by these provisions. I know of only two sets of barracks here which are built on the Trinidad and Demerara style; one real barrack is in Nelson Street and it was owned by a clergyman who is now dead. There are no lodging-houses in Suttle Street; you will find an area of about one-eighth the size of this Chamber with a couple of coal-pots in the middle and the arrangements are like bunks on a ship. There are no windows and we do not want to perpetuate that state of affairs. I repeat that for the future we ought to see that nobody is allowed to construct that sort of building; we should have buildings with rooms two sides of which are open to the outside air. I do not see that there is any reason for modifying this Clause; I suggest that these provisions are only for stopping people from starting these barracks in the future. Luckily we have not got here what exists in some other parts of the West Indies—a state of affairs which is worse than our over-crowded slums. We ought to establish a decent standard for the future and I say that we are not creating any hardship on more than two landlords. There is another real barrack above the Empire Theatre and my recollection is that some of these buildings have no windows and there are no sanitary conveniences, the arrangements being like those of a ship. When the House is adjourned this afternoon I shall be pleased to take honourable members and show them what I am speaking about. (Mr. S. A. WALCOTT: I do not go to such places). Nobody wants to perpetuate that state of affairs.

Mr. MOTTLEY: The definition of a barrack is that it includes any building or collection of buildings divided into rooms occupied singly or in sets by persons of the poorer classes, to which there are common conveniences, and any yard appurtenant to such building or buildings. I know all sorts of barracks; the honourable senior member for St. Joseph could have referred to those above the Garrison and others. I say that the definition of a barrack is that it includes any collection of buildings divided into rooms, and so on, and if the definition is wrong then let us change it. You will get an originally up-to-date house divided into rooms; there is one bath-room and an earth pit or the water-borne system might have been installed. I quite agree with the honourable senior member for St. Joseph when he said that we do not want to carry on the Trinidad style in respect of these barracks but what I am arguing is this; it is not practical to say that a barrack means any building divided into rooms which people can rent singly or otherwise and use common conveniences. If you leave the provision that each room shall be sufficiently ventilated directly to the outside air, I quite agree with that; but I do not agree with the addition of the words "on at least two sides." As regards common lodging-houses there are old dwelling-houses which are divided into barracks; I agree that some of them are divided into small rooms and the Sanitary Authority will have them altered. Paragraph (b) of Sub-clause (1) says that no room shall ventilate into another: whatever

is done each room must have one window, but I do not see that you can have each room ventilated to the outside air on at least two sides.

Mr. F. L. WALCOTT: I would like to draw the attention of the Committee to a building which is not rented out by private people. Honourable members will realise how the Nurses' Home at the General Hospital is constructed. There are rooms with ventilation on one side and those rooms are properly ventilated. The new Pay Ward "A" is also built in the same manner. I do not think that we can have these rooms with ventilation on two sides; I do not think that we have the area of land in Barbados that we can build a sufficient number of houses, conforming with these requirements, so as to accommodate the population.

Mr. TALMA: I have listened carefully to the honourable senior member for the City and I still think that he has made an error in respect of what a barrack is. As far as I am concerned, I have not seen any barracks apart from those at Seawell; but normally a barrack has a door made of mesh wire to the front, there is a window which will provide necessary ventilation and there is a gallery as well. That is the description of a barrack in the true sense of the word. If honourable members visit Seawell they will see how barracks are built. The honourable senior member for the City is thinking of the old shacks in the City which should not exist. Under our Housing programme all these shacks and buildings which promote disease will be demolished. As far as paragraph (e) of Sub-clause (1) is concerned I suggest that we use the word "lavatory" instead of the word "privy" since we are trying to depart from that system.

Dr. CUMMINS: I accept the amendment of the honourable senior member for the City, namely, that the words "on at least two sides" occurring in paragraph (a) of Sub-clause (1) be deleted. My conception of a barrack has always been a long building divided into rooms and there would be ventilation both to the front and the back. According to the definition a barrack would be any sort of building or collection of buildings divided into rooms occupied singly and so on. In view of the definition I think I should accept the amendment.

Mr. MOTTLEY: Paragraph (c) of Sub-clause (1) says that the roofs of all rooms shall be close boarded and ventilated. We are in the tropics, not the North country; and as we know in Barbados our system of shingling buildings has been working admirably for years. Do honourable members think that it is really necessary to have these rooms close boarded? And the paragraph goes on to say that every room shall be rat proof. I cannot imagine our building rooms in the tropics and having them rat proof. Then Sub-clause (3) says that any person taking steps to establish a barrack except with the consent of the Sanitary Authority shall be liable to a fine not exceeding fifty pounds. I suggest that the fine should be twenty five pounds. I do not feel that any useful purpose will be served in stipulating that these rooms shall be rat proof; I would like to know how it is proposed to make them rat proof.

Mr. ADAMS: I am fortunate in having a house which is rat proof; wherever there are rails which are not any part of the windows, mesh wire has been put in. All that making a room rat proof means is that you use mesh wire to prevent the admission of rats when the room has been closed. When you speak about a mosquito proof ward at the General Hospital it does not mean that mosquitoes can never get in, but if the ward is closed at any time mosquitoes cannot get in. I should like to remind honourable members

that there is a difference between saying that a thing should like to remind honourable members that there is a difference between saying that a thing means so and so, and that it includes so and so. For instance; the definition of a bakehouse is that it means so and so, while that of a barrack is that it includes so and so. When a lawyer says that a thing includes so and so, he means that something which is not in the definition is included; but when he says that a thing means so and so, it means that and nothing else. Therefore the definition of "barrack" would include a long building with a compound in the middle. A normal barrack of necessity has ventilation on two sides because it consists of two long lines of rooms with ventilation down the length of it, and there is a verandah going around it. We can have legislation dealing purely with barracks for the future; but this definition has gone further than the meaning of a barrack. We can delete the words "on at least two sides" and leave the matter of requisite ventilation to the Director of Medical Services; but the fact that the words are deleted does not mean that the Director will pass anything. Does the honourable senior member for the City want to perpetuate the very things that he is always talking against? I think that he should do is best to abolish buildings such as those which exist in Suttle Street. The whole object of this part of the Bill is to prevent rapacious landlords who are only looking for money from putting people in such buildings. There are those who buy boxes, erect buildings put up crocus bags to them and charge 1/6 a week for them. This part of the Bill is for the purpose of preventing that state of affairs from continuing. The only time that a man who occupies such a building gets a decent bath is when he goes to the sea. I would like to remind the honourable senior member for the City who is anxious to see that we work no hardship on people, that we cannot allow rapacious landlords to work any hardship on other people.

Mr. SYMMONDS: Everybody will be pleased to see that the conditions which exist in some of our overcrowded areas where there are rented rooms no longer exist. I want to say that, in so far as ventilation is concerned in the most luxurious homes you will find one big window ventilating more than one room and some very good homes are being built in that way nowadays. While we are anxious to see proper sanitary conveniences provided for persons who rent houses we must not pass legislation which will result in hardships being created on people. I would like to know if the Government will erect a sufficient number of houses as will accommodate the increasing number of people who are unable to find places to rent. This is a big problem among people at the present moment; people are being given notices to quit places which they were renting and they walk from day to day and from week to week and they cannot find anywhere to rent. We have been doing very little building while the population has been increasing and now that there is a scarcity of building materials there is a definite shortage of housing facilities in the island. The population has been increasing while the number of houses remain the same. I am only hoping that while we are passing these Regulations some consideration will be given to people who have no where to rest their heads at night.

Mr. S. A. WALCOTT: I do not see that there is any use in our passing a Clause which is not workable. The provision as regards rooms being rat proof concerns houses and not only barracks. When a house is tray ceiled the air space is reduced and I should like to point out that every time the build-

ings are improved, the people will have to pay more rent for them. The owner of the buildings is capable of taking charge of himself and he will increase the rent; but if the renters cannot pay the increased rent they will have to look for somewhere else to go. I beg to move that the words "and that every room shall be rat proof" occurring at the end of paragraph (c) of Sub-clause (1) be deleted.

Mr. SYMMONDS: As regards the question of the roofs of the rooms being close boarded, that was not taken from the English Act, but the person who drafted this Clause was not familiar with the regular building practice. It is not necessary always to use board for ceiling, plastic will soon be coming on the market, and if you put antiquated words in this Clause you will prevent a person from carrying out his building construction.

Mr. MOTTLEY: I beg to second the motion for the deletion of the words in respect of these rooms being rat proof. I cannot see how you can get them rat proof. I would like to see a board and shingle house which is rat proof. I agree that it would be necessary for the roofs of these rooms to be close boarded and that there should not be that spacing between the laths; because in case of fumigation it is better to have the roofs so constructed as to prevent any collection of bacteria and so on. I think that we should also use the word "sealed". I suggest that the words "or sealed" be inserted after the word "boarded".

Mr. WILKINSON: I do not know how these provisions are going to work; they do not even know how to make a room rat proof. I suggest that if we make all these Rules and Regulations the rooms will be so expensive that people will not be able to rent them. I therefore beg to move that paragraph (c) of sub-clause (1) be deleted.

Mr. F. L. WALCOTT: I beg to second that amendment. All along I have been feeling that in this matter of close boarding the roofs of these rooms we are not doing anything for the health of the people. If you close board the roofs of these rooms there is no space left for ventilation unless you are going to make an opening somewhere in the roof. I cannot see what these provisions will mean to the health of the people.

The question that paragraph (c) of Sub-clause (1) be deleted was put and resolved in the affirmative without division.

Mr. MOTTLEY: With respect to Sub-clause (3), if you bring into operation an Act like this you cannot make the fine for a breach of the Act what it is in England. I think that the fine for a breach of the Act should be £25 instead £50. The higher you put the fine, the higher the Magistrate will fine a person in the first instance. I therefore beg to move that the word "fifty" be deleted and the words "twenty five" be inserted in place thereof.

Dr. CUMMINS: I accept that amendment.

The question that Clause 170 renumbered 168 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 171 renumbered 169:—

169. (1) With regard to barracks existing at the commencement of this Act, the Sanitary Authority shall, in any case in which a Health Officer reports that a barrack is in such a condition as to be unfit for human habitation or injurious to the health of the occupants or to the public health, (or that the premises should be made rat proof), take such proceedings as may be necessary to have the same put in proper sanitary condition or made rat proof, or, where the premises are incapable of being put in such condition or made rat proof, to have the same

closed: Provided that the Sanitary Authority may at any time order the whole or any part of any yard appurtenant to a barrack to be paved to their satisfaction.

(2) In case of non-compliance with the provisions of this section the procedure provided by section one hundred and eleven of this Act shall apply.

Dr. CUMMINS: I beg to move that Clause 171 renumbered 169 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: I beg to move that the words providing for the creation of rat proof premises be deleted wherever they occur.

Dr. CUMMINS: I accept that amendment.

Mr. SYMMONDS: In connection with Sub-clause (1) I should like to say that during the War we have not been building any houses. Every day people come to me asking for houses to rent. I do not rent any houses to people and there is an unceasing demand for houses in cases where people have been given notices to quit premises. If this Clause is passed as it is, many people will be unable to find anywhere to sleep; that is going to be the effect of it. I think that some discretion should be used in the application of this Clause. There are numbers of people inhabiting dwellings today and if we are not very careful they will be turned out and left wandering about the streets. Several of these barracks are not literally unfit for human habitation but the Health Officer, under the powers granted to him under this Clause can say that a place in which people are now living is unfit for human habitation because it is not up to the standard at which we are aiming. I feel that we should insert a Sub-clause allowing some period to elapse before this Clause is put into operation.

Mr. COX: Perhaps the honourable junior member for St. George is not acquainted with conditions which exist in certain areas in this town. If he were to look at Cat's Castle, Jordan's Lane and other unhealthy places which quite a large number of poor people inhabit, he will be convinced that the sooner we pass this Bill and the sooner we get rid of these old barracks, the better it will be for the community. Only week before last I was asked to see the conditions existing in one of these barracks, and it was shocking to see the conditions which exist and to know the exorbitant charges made for the building. I feel that the sooner we pass this Bill and get these slums cleaned up, the better it will be for the community as a whole. I am in wholehearted agreement with this Clause; the people who own these barracks have owned them for a long time and while they have failed to repair the buildings, they have not failed to charge rent for them.

The question that Clause 171 renumbered 169 stand part of the Bill was put and resolved in the affirmative without division.

Clause 172 renumbered 170 was passed.

Clause 173 renumbered 171:—

171. (1) Every person who intends to use or to continue to use any place as a bakehouse shall make application in writing to the Sanitary Authority, setting out his full name and a correct description of the premises so used or intended to be used. If the Sanitary Authority are satisfied that premises specified in the application are such as can properly be used as a bakehouse under this Act, they shall issue to the applicant a certificate to that effect.

(2) The particulars of such application and certificate shall be entered in a book to be kept by

the Sanitary Authority and to be called "The Bakehouses Register."

(3) Any person who shall use any place as a bakehouse without having first obtained a certificate as in this section provided, shall be liable to a fine not exceeding five pounds.

Provided that no proceedings under this subsection shall be brought in respect of any bakehouse which was in existence prior to the coming into operation of this Act until the expiration of three months after this Act shall have come into operation.

Dr. CUMMINS: I beg to move that Clause 173 renumbered 171 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: The proviso to Sub-Clause (3) says that no proceedings shall be brought in respect of any bakehouse which was in existence prior to the coming into operation of this Act until the expiration of three months after the Act comes into operation. I think that that period is too short. I beg to move therefore that the word "three" be deleted and the word "six" be inserted in place thereof.

Dr. CUMMINS: I accept that amendment.

The question that Clause 173 renumbered 171 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 174 renumbered 172:—

172. (1) The inside walls of the rooms of a bakehouse and the ceilings or tops of such rooms, whether such walls, ceilings, or tops be plastered or not, and all passages and staircases of such bakehouse, shall either be painted with oil or varnish or be limewashed; when painted with oil or varnish there shall be three coats of paint or varnish, and the paint or varnish shall be renewed once at least in every three years and shall be washed with hot water and soap once at least in every six months; when limewashed, the limewashing shall be renewed in each of the months of April, August, and December in every year.

(2) The occupier of any bakehouse who fails to keep the same in conformity with this section shall be liable to a fine not exceeding ten pounds.

Dr. CUMMINS: I beg to move that Clause 174 renumbered 172 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: Dealing with Sub-clause (1) I feel that it is too expensive to apply three coats of paint to the passages and staircases of a bakehouse. I quite agree that the paint should be washed with water and soap at least once in every six months; and as regards limewashing I think that twice a year is sufficient. I should like to point out that people who carry on small bakehouses cannot afford to paint them as it is proposed to be done here. Paint is very expensive nowadays. I beg to move the following amendments: that from the words "when painted" to the words "or varnish" in line 7 be deleted; that the word "three" in line 8 be deleted and the word "five" be inserted; that the word "hot" in line 9 be deleted and that the words "every six months" be inserted after the word "renewed" and that the remaining words be deleted.

Mr. WILKINSON: I beg to second those amendments.

Dr. CUMMINS: I accept the amendments.

Mr. SYMMONDS: There are still some parts of Sub-clause (1) of this Clause to which I want to draw attention. In this Sub-clause it is set out that the paint or varnish applied to the inside walls, passages and staircases of a bakehouse shall

be renewed once at least in every three years and shall be washed with hot water and soap once at least in every six months. If you wash with hot or cold water and soap a wall that has been painted, how are you going to tell how long it has been washed? If you apply a new coat of paint to any place it can be seen that the place has just been painted; but I defy anybody to say that a wall of a bakehouse has been washed with water and soap last week or the week before last. I think that it is unnecessary to say that the painted sections of a bakehouse shall be washed with hot water and soap. I beg to move that the words "with water and soap" be deleted. I repeat that you cannot prove that a painted section of the premises has been washed with water and soap and it is of no use putting in any Regulation which cannot be carried out.

Mr. COX: I am not in favour of the premises being washed twice a year. I think that the words "as often as is necessary" should be inserted in this Sub-clause because nobody knows how long the washing will last. It might be necessary to have the premises washed once, twice or six times a year and I suggest that they be washed as often as it is necessary to do so.

Mr. MOTTLEY: As regards Sub-clause (2) I am wondering if we should not say that the bakehouse shall be kept to the satisfaction of the Sanitary Authority. The fine proposed in case the occupier of a bakehouse fails to keep it in conformity with this Clause is ten pounds which I think is too high. I think that the fine should be made five pounds. I beg to move that the word "ten" be deleted and the word "five" inserted in place thereof.

Mr. S. A. WALCOTT: I beg to second that.

Mr. ADAMS: I suggest that possibly this is one of those things which are to be dealt with by Regulations which we will have a chance of passing. According to the suggestion made by the honourable senior member for St. Michael and the point raised by the honourable junior member for St. George, I beg to move that after the word "limewashed" in line 5 of Sub-clause (1) the remainder of the Sub-clause be deleted and the following words be inserted in place thereof: "And the said paint or limewash shall be cleaned or renewed as often as it shall appear necessary to the Sanitary Authority". We can make it clear that the Sanitary Authority will have to make Regulations subject to the approval of the Legislature, saying under what circumstances the cleaning should be done. I suggest that after the Act has been passed, the Sanitary Authority can put their heads together and arrive at an idea as to how the Regulations should be drafted.

Mr. WILKINSON: It is all very well to say that the Regulations will be subject to the approval of the Legislature, but most of the Regulations in connection with the streets have not come before us and they are the law. I think that we should leave this Clause as it has been amended.

Mr. ADAMS: My point is that if a bakehouse is painted this year and the bakers rub off all the paint, the Sanitary Authority have to wait for five years before they can make the occupier paint again.

Mr. MOTTLEY: The honourable senior member for St. Joseph has intimated that the Interpretation Act is to be amended so that we can amend the Regulations when they come before us. Under those circumstances we can accept the amendment made by the honourable member.

Mr. SYMMONDS: I beg to second the amendment of the honourable senior member for St. Joseph.

Mr. ADAMS: I ask leave to withdraw my amendment. I was only trying to meet the sensible suggestion made by the honourable senior member for St. Michael.

There being no objection, the honourable member was granted leave to withdraw his amendment.

Mr. CHAIRMAN: The question is that Clause 174 renumbered 172 as amended stand part of the Bill. Honourable members in favour of that will please say "Aye", those against will please say "No." I think the "Ayes" have it.

Clause 174 re-numbered 172 was passed.

Mr. F. L. WALCOTT: Honourable members on this side of the House have called for a division on the question that Clause 174 renumbered 172 as amended stand part of the Bill.

Mr. CHAIRMAN: The honourable senior member for St. Joseph withdrew his amendment.

Mr. F. L. WALCOTT: I beg to move that Clause 174 renumbered 172 be re-committed.

Mr. HUSBANDS: I beg to second that.

The question that Clause 174 renumbered 172 be re-committed was put and resolved in the affirmative.

A division was taken as follows:—

Ayes: Messrs. SYMMONDS, HUSBANDS, F. L. WALCOTT, COX, MAPP, ADAMS and BLACKMAN—7.

Noes: Dr. CUMMINS, Messrs. S. A. WALCOTT, MOTTLEY, WILKINSON and Mr. SPEAKER.—5.

Mr. ADAMS: Apparently there are some honourable members who are in favour of my amendment which I withdrew. In the circumstances I beg to move the amendment again, namely, that all the words after the word "limewashed" occurring in line 5 of Sub-clause (1) be deleted in order to insert the words "And the said paint or limewash shall be cleaned or renewed as often as it shall appear necessary to the Sanitary Authority."

Mr. COX: In seconding that amendment I should like to say that it is a reasonable one. What has happened is that people have painted their houses and owing to the kind of oil that was used in doing the work, the paint did not last for longer than six months. I do not think therefore that we should say that the premises of a bakehouse should not be painted more than once in every five years. I think that the situation will be met if we say that the premises should be cleaned or renewed as often as is necessary.

The question that the words proposed to be deleted stand part of the Bill was put and resolved in a "tie", the division being as follows:—

Ayes: Dr. CUMMINS, Messrs. F. L. WALCOTT, MOTTLEY, S. A. WALCOTT, WILKINSON and Mr. SPEAKER.—6.

Noes: Messrs. SYMMONDS, HUSBANDS, COX, MAPP, ADAMS and BLACKMAN.—6.

Mr. CHAIRMAN: The question has been decided in a "tie" six honourable members voting "Aye", and six honourable members voting "No". I vote with the "Ayes". (Cheers).

The question that Clause 174 renumbered 172 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clauses 173 to 177 as renumbered were passed.

Clause 180 renumbered 178:—

178. (1) Subject to the provisions of section two hundred and twelve of this Act, a Sanitary

Authority may, and if so required by the Director shall, make bye-laws as to all or any of the following matters relating to factories and workshops, that is to say, —

- (a) the cleanliness of rooms and freedom from effluvia;
- (b) the removal of refuse;
- (c) ventilation and light;
- (d) sufficiency, type, and position of sanitary conveniences;
- (e) precautions against the contamination of any article of food or drink manufactured or in the course of manufacture for human consumption;
- (f) precautions against the spread of infection;
- (g) the registration of factories and workshops.

(2) In this section—

“factory” means any premises wherein, or within the close or curtilage of which, mechanical power is used to move or work any machinery;

“workshop” means any premises, room, or place, not being a factory, wherein, or within the close or curtilage of which, any manual labour is exercised by way of trade or for the purposes of gain, and to or over which premises, room, or place the employer of the persons working therein has the right of access or control.

Dr. CUMMINS: I ask leave to delete paragraph (g) of Sub-clause (1) of this Clause. The question of the registration of factories and workshops is dealt with under the Factories Act.

There being no objection, the honourable member was granted leave to delete the paragraph.

Dr. CUMMINS: I beg to move that Clause 180 renumbered 178 as amended stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. HUSBANDS: I should like to make an amendment to paragraph (e) of Sub-clause (1). I beg to move that after the word “drink” the following words be inserted: “or any other article of human consumption taken by the mouth.” For instance, I take it that a cigar or cigarette is consumed by the person who smokes it.

Mr. MOTTLEY: I quite agree with the honourable member. I think that his amendment is a very intelligent one but I would like to hear what the honourable senior member for St. Joseph has to say as to the wording. I beg to second the honourable member's motion.

Mr. ADAMS: The honourable junior member for St. Peter has raised an excellent point, but I think that it will be covered under paragraph (f). Factories have to be compelled to sterilize drinking glasses and things like that.

Mr. HUSBANDS: I am satisfied with that explanation and I therefore ask leave to withdraw my motion.

There being no objection, the honourable member was granted leave to withdraw his motion.

The question that Clause 180 renumbered 178 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 181 renumbered 179 was passed.

Clause 182 renumbered 180 —

180. For the purpose of preventing the breeding of mosquitoes, subject to the provisions of section two hundred and twelve of this Act, a Sanitary Authority may, and if so required by the Director shall, make bye-laws relating to all or any of the following matters, that is to say,—

- (a) the protection of receptacles for storing water by wire gauze or other efficient means;
- (b) the keeping of premises free from stagnant water liable to breed mosquitoes, and from articles, appliances, trees, or plants which may retain stagnant water liable to breed mosquitoes;
- (c) the disinfecting and oiling of cess-pools, and the cleaning out of catchpits;
- (d) the keeping in repair and free of obstruction of eaves-gutters and downpipes;
- (e) the cutting down of bush or undergrowth liable to harbour mosquitoes.

Dr. CUMMINS: I beg to move that Clause 182 renumbered 180 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. S. A. WALCOTT: Under this Clause a Sanitary Authority may, and if so required by the Director shall, make bye-laws relating to various matters one of which, as set out in paragraph (e), is the cutting down of bush or undergrowth liable to harbour mosquitoes. I consider that that is going too far. It was tried in St. James during the malarial epidemic and failed. (Mr. MAPP: Do you not want Apes' Hill bush cleared). If I clear Apes' Hill bush some monkeys will not have any protection. I repeat that this Clause goes too far; the Sanitary Authority can order you to clear any bush.

Mr. MOTTLEY: The Sanitary Authority must have some authority to clear bush. If you live near a person who will not cut down his bush, the Sanitary Authority can make him cut it down. I do not think any Sanitary would call upon any plantation owner to cut down any bush; but the Sanitary Authority must have some authority in the matter.

The question that Clause 182 renumbered 180 stand part of the Bill was put and resolved in the affirmative without division.

Clause 183 renumbered 181:—

181. (1) If a Sanitary Authority are of opinion that the water in or obtained from any well, tank or other source of supply, being water which is, or is likely to be, used for domestic purposes, or in the preparation of food or drink for human consumption is, or is likely to become so polluted as to be prejudicial to health the Sanitary Authority may apply to the Police Magistrate having jurisdiction in the Parish of such Sanitary Authority and thereupon a summons may be issued to the owner or occupier of the premises to which the source of supply belongs, or to any other person alleged in the application to have control thereof.

(2) Upon the hearing of the summons, the Police Magistrate may make an order directing the source of supply to be permanently or temporarily closed or cut off, or the water therefrom to be used for certain purposes only, or such other order as appears to him to be necessary to prevent injury or danger to the health of persons using the water, or consuming food or drink prepared therewith or therefrom.

(3) The Police Magistrate shall hear any user of the water who claims to be heard, and may

cause the water to be analysed at the cost of the Sanitary Authority.

(4) If a person on whom an order is made under this section fails to comply therewith, the Police Magistrate may, on the application of the Sanitary Authority, authorise them to do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by the Sanitary Authority in so doing may be recovered by them from the person in default.

Dr. CUMMINS: I beg to move that Clause 183 renumbered 181 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: Sub-clause (3) of this Clause says that the Police Magistrate may cause water which is obtained from any well, tank or other source of supply, water which is referred to in Sub-clause (1), to be analysed at the cost of the Sanitary Authority in case that the user of the water claims to be heard; but it does not say by whom the water is to be analysed. The Sanitary Authority have no particular Department for analysing water. (Mr. ADAMS: The analysis is not always done by the Analyst himself). We have had cases where an analysis is not done by the Government Analyst himself and the evidence could not hold water in the Court. I am perfectly willing to allow the Clause to remain as it is on the word of the Leader of the House, but we must have some person to analyse the water. I beg to move that after the word "analysed" in line 3 the words "by the Government Analyst or a person authorised by him" be inserted.

Dr. CUMMINS: I accept that amendment.

The question that Clause 183 renumbered 181 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clauses 182 and 183 as renumbered were passed.

Clause 186 renumbered 184:—

184. The Governor-in-Executive Committee may make regulations applicable to any part of this Island—

- (a) requiring that the discharge from a water closet unless passed into a sewer shall be treated efficiently in a septic tank before being passed into the earth, or a cesspool or pit or being otherwise disposed of;
- (b) giving the maximum depth of any cesspool or privy pit which is not provided with impervious steening:

and such regulations when approved by the Legislature shall have full force and effect.

Dr. CUMMINS: I beg to move that Clause 186 renumbered 184 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: When this Bill is passed I should like to know that I know something about it. I see that this is the only Clause dealing with the making of Regulations which says that the Governor-in-Executive Committee may make them. I do not know if a misprint has occurred here but if there is no misprint I should like to know the reason for the change. Every Clause dealing with the making of regulations says that the Director, or in the case of bye-laws, the Sanitary Authority may make them. There must be some particular reason why, in this case, the Regulations are to be made by the Governor-in-Executive Committee and I should like to know the reason. Then I should like to know what is meant by the word "steening" occurring in paragraph (b). I beg to move that the further consideration of this Clause be postponed.

Mr. F. L. WALCOTT: I beg to second that.

Dr. CUMMINS: I agree with the motion for the postponement of the consideration of this Clause.

Clause 186 renumbered 184 was postponed.

Clause 188 renumbered 186:—

186. (1) It shall not be lawful for any person to keep any pig, hog, or other description of swine within the area lying between the limits of the City of Bridgetown and the boundaries thereof as defined in the Bridgetown, Speightstown and Hometown Act, 1891 and the following boundaries, that is to say, the boundary line which divides the parishes of Saint Michael and Christ Church extending from the beach on the south-eastern side of St. Ann's Fort to the point at which it meets the boundary wall of the military properties on the north-eastern side of the Garrison, from there following the said boundary wall to the North Gate, along Dalkeith Road to the junction of that road with Beckles Road, along the portion of Beckles Road lying between Dalkeith Road and Culloden Road, along Culloden Road, Pine Road, Welches Road, Condemned Road, the portion of Glendairy Road lying between Condemned Road and Bridge Road, the said Bridge Road, Bank Hall Cross Road, to Eagle Hall Corner and from thence in a straight line to the point of Westbury Road where that road meets Westbury New Road, along Westbury New Road to Fontabelle Road and from thence in a straight line to the beach, unless he shall have first obtained a licence, in accordance with the Second Schedule to this Act, from the Sanitary Authority for the parish of Saint Michael.

(2) No licence under subsection (1) of this section shall be granted to any person unless there is a clear space of not less than twenty feet between the sty or pen in which it is intended to keep such pig, hog, or other description of swine and any dwelling house, and the sty or pen is of a pattern and in a place approved by the Sanitary Authority for the parish of St. Michael.

(3) It shall not be lawful for any person to keep any pig, hog, or other description of swine within the limits of the town called Speightstown or the town called Hometown as defined respectively in the Bridgetown, Speightstown and (Hometown) Act, 1891, unless he shall have first obtained a licence in the form set out in the Second Schedule to this Act from the Sanitary Authority for the Parish of Saint Peter or the Parish of Saint James as the case may be.

(4) No licence under subsection (2) of this section shall be granted unless there is a clear space of not less than forty feet between the sty or pen in which it is intended to keep any pig, hog, or other description of swine and any dwelling house, and the sty or pen is of a pattern and in a place approved by the Sanitary Authority for the Parish of Saint Peter or for the Parish of Saint James as the case may be.

(5) Notwithstanding the provisions of the preceding subsections it shall not be necessary to obtain a licence for keeping the progeny of any pig, hog, or other description of swine lawfully kept on the same premises until such progeny shall have reached the age of eight weeks. The onus of proving that any pig, hog, or other description of swine has not attained the age of more than eight weeks shall be on the person keeping such pig, hog or other description of swine.

(6) No charge shall be made for any licence issued under this section.

(7) Every licence issued under section forty-seven of the Public Health Act, 1908 by the

Commissioners of Health for any of the Parishes of Saint Michael, Saint Peter or Saint James shall continue to be valid and effectual notwithstanding the repeal of that Act, and shall be deemed to have been issued under this section by the Sanitary Authority for the Parish of Saint Michael or for the Parish of Saint Peter or for the Parish of St. James, as the case may be.

(8) Any person who shall keep any pig, hog, or other description of swine in the areas described in subsection (1) of this section or within the limits of the town called Speightstown or of the town called Hometown (as defined respectively in the Bridgetown, Speightstown and Hometown Act, 1891) without having first obtained a licence to keep the same shall be liable to a fine not exceeding forty shillings for every pig, hog, or other description of swine so kept.

Dr. CUMMINS: I beg to move that Clause 188 renumbered 186 stand part of the Bill.

Mr. BLACKMAN: I beg to second that

Mr. F. L. WALCOTT: Honourable members will notice that in respect of Speightstown the distance between the sty in which it is intended to keep a pig and any dwelling house is to be not less than forty feet whereas in respect of Bridgetown the distance between the sty and any dwelling house is to be not less than twenty feet. I would like to know what is the difference between these areas. (Mr. ADAMS: Speightstown has more room being in the country).

Mr. MOTTLEY: In the city of Bridgetown you cannot keep a pig at all because the houses are congested, and within a certain area outside Bridgetown you have to obtain a licence so as to be able to keep a pig. Speightstown and Hometown have their own Regulations and Bye-laws. Inside Speightstown and Hometown there are congested areas and where any pig is allowed to be kept, the sty has to be forty feet from any dwelling house.

Mr. S. A. WALCOTT: I think this Clause means that in Hometown and Speightstown if you can get a space of forty feet from any dwelling house you can keep a pig so long as you obtain a licence to do so; and in respect of the parish of St. Michael you can have a pig's sty twenty feet away from a dwelling house. I think that in Sub-clause (2) the provision should apply to all the parishes instead of St. Michael alone.

The question that Clause 188 renumbered 186 stand part of the Bill was put and resolved in the affirmative without division.

Clause 189 renumbered 187 was passed.

Clause 190 renumbered 188:—

188. (1) The Director shall have power from time to time to make and submit to the Governor-in-Executive Committee for approval such general or special orders as he may think fit—

- (a) for prohibiting the landing of animals, carcases, fodder, litter, dung, or other things;
- (b) for regulating and prescribing the seizure, detention, or destruction of any animal, carcase, fodder, litter, dung, or other things brought from abroad whereby disease may be introduced or spread.

(2) Every person who shall infringe or fail to comply with any provision of any order made under subsection (1) of this section shall be liable to a fine not exceeding one hundred pounds.

(3) All orders or rules made or deemed to have been made under section fifty-one of the Public Health Act, 1908, and in force on the coming into operation of this Act, shall be deemed to be orders

made by the Director under the provisions of this section and shall continue in force until amended, replaced or revoked in due course by orders made under this section.

Dr. CUMMINS: I beg to move that Clause 190 renumbered 188 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: I am wondering whether the special orders referred to in sub-clause (1) should not have the approval of the Legislature.

Dr. CUMMINS: I do not think so.

Mr. ADAMS: This is merely a reproduction of Clause 51 of the Public Health Act.

Mr. MOTTLEY: The difficulty is that we cannot amend these orders when they are made. I do not think that Regulations or Orders should become law without being put before us at some time or other; and these matters in respect of which the Orders are to be made are rather extensive.

Dr. CUMMINS: I think that where a special Order is necessary, it might be an urgent matter requiring quick action to be taken, and the Director can submit it to the Governor-in-Executive Committee for approval.

Mr. MOTTLEY: There might be a case of somebody landing here from some place which is under quarantine and Orders can be made without our knowing anything about them. I agree that the Director should have power to make special Orders with the Governor-in-Executive Committee approving of them but not in the case of general Orders.

Mr. ADAMS: The Public Health Act of 1908 is a consolidating Act. What is set out in this Clause is the law today and it has been the law for the past half century. If there was any danger in respect of the General Board of Health making general Orders, do honourable members think it could be humanly possible for fifty years to elapse without anything taking place? A general Order would make it unlawful for any body to import any animal from any place which is under quarantine and that would be distinct from a special Order. I submit that the worse thing about interfering with an Act is that you cannot prove that the new Regulations will improve matters.

Mr. SYMONDS: The honourable member speaks about the last fifty years when the General Board of Health as a Board made these Orders; but we may have a Director of Medical Services who might be a lunatic.

Mr. CHAIRMAN: I have to draw to the attention of the Committee that there is not a quorum present.

Mr. SPEAKER resumed the Chair and directed that the Bell be rung.

On the Bell being rung, a quorum was again obtained.

Mr. SPEAKER left the Chair and the House resumed Committee, Mr. SMITH being in the Chair.

Mr. SYMONDS: I do not agree that matters of this kind should be left in the hands of the Director.

Mr. CHAIRMAN: Again I have to draw to the attention of the Committee that there is not a quorum present.

Mr. SPEAKER resumed the Chair and directed that the Bell be rung.

The Bell having been rung, a quorum was again obtained.

Mr. SYMONDS: I am of the opinion that unless we have a definition as to a general Order and a special Order and then there will be a time-limit in respect of the application of these Orders—if these Orders are going to be operative for any special length of time, they should not only come before the Governor-in-Executive Committee for approval but

also before the Legislature. If the Orders are to be operative for only a short period, then by all means let them be approved by the Governor-in-Executive Committee alone; but if they are going to be effective for any protracted period I seriously suggest that they be submitted to the Legislature for approval. I am in agreement with the honourable senior member for the City.

Mr. HUSBANDS: The honourable senior member for the City is fond of asking honourable members to read these Clauses carefully. As I read this Clause I see that the Director shall have power to make and submit to the Governor-in-Executive Committee general or special Orders (a) for prohibiting the landing of animals, and so on; and then (b) for regulating and prescribing the seizure, detention or destruction of any animal, carcase, fodder, etc., or other things brought from abroad whereby disease may be introduced or spread. I think that the matter is actually explained.

Mr. SYMMONDS: I think that the explanation of the honourable junior member for St. Peter is misleading. The Clause refers to other things and I do not follow the honourable member's explanation.

Dr. CUMMINS: This is a clause which makes the landing of certain things in the island illegal. A person cannot bring in a dog from elsewhere as he likes; there are certain Regulations dealing with the landing of dogs and other animals and, as the honourable senior member for St. Joseph has said, those Regulations have been in operation for a long time.

The question that Clause 190 renumbered 188 stand part of the Bill was put and resolved in the affirmative without division.

CHAIRMAN REPORTS PROGRESS

Dr. CUMMINS: I beg to move, Mr. Chairman, that you do now report progress with leave for the Committee to sit again.

Mr. BLACKMAN seconded the motion, which was agreed to.

The CHAIRMAN reported and Mr. SPEAKER resumed the Chair and reported accordingly.

THE ORDER PAPER.

Mr. ADAMS: I propose to ask honourable members to meet again next Thursday and finish the Public Health Bill if we do not finish it on Tuesday. I suggest that on Thursday we deal with nothing but non-controversial matters of which there are about eight or ten on the Order Paper. If the consideration of the Public Health Bill goes over from next Tuesday we will not take the whole of Thursday to finish it and we can get these non-controversial matters cleared from the Order Paper. The first Order of the Day will be to resume Committee of Supply and then to resume Committee on the Public Health Bill.

THE ADJOURNMENT.

The Order Paper having been fixed.

Mr. ADAMS: I beg to move that this House do now adjourn to Tuesday next, the 13th day of July, 1948, at twelve o'clock noon.

Mr. MOTTLEY seconded the motion, which was agreed to.

Mr. SPEAKER accordingly adjourned the House to Tuesday next, the 13th day of July, 1948, at twelve o'clock noon.